

Attorney Docket No.: 944-4.30
Serial No.: 10/612,398

Remarks

The Advisory Action responds to applicant's response to the final Office action mailed 9 Feb. 2006 by maintaining the rejections of all claims. Reconsideration is requested on the following grounds.

The Advisory Action notes that first, the claimed language is broad enough to read on the applied art, noting that "association" is broad enough to read on a simple relationship, and that "contact" does not "require either to be the user or a particular person as argued, or another." The Advisory Action states that "Applicant's arguments are far more specific than claimed language. The examples provided by applicant are not required by claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181 USPQ2d 1057 (Fed. Cir. 1993)."

Applicant respectfully submits that what is at issue is not whether limitations are to be read into the claims, but rather the meaning of the words used in the claims. Applicant has pressed the Office to interpret "contact" and "association" in the claims based on how those words have been used in the specification. The Federal Circuit, in *Phillips vs. AWH Corp.*, 415 F.3d 1303, 75 USPQ.2d 1321 (Fed. Cir. 2005), an *en banc* decision, explained again that:

[T]he specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.

The court further explained:

That starting point [for understanding a claim term] is based on the well-settled understanding that inventors are typically persons skilled in the field of the invention and that patents are addressed to and intended to be read by others of skill in the pertinent art. ... Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in

Attorney Docket No.: 944-4.30
Serial No.: 10/612,398

which the disputed term appears, but in the context of the entire patent, including the specification.

Applicant respectfully submits that applicant has argued only that the claim terms "contact" and "association" be interpreted as those terms are used in the specification, as required by *Phillips vs. AWH Corp.* Applicant respectfully submits that interpreting a claim term by reference to the specification is different than reading limitations from the specification into the claim. In the former, the meaning of a word is at issue, and a meaning must be determined. In the latter, the meaning of the claim as a whole is at issue, and that meaning is to be determined based on the meaning of the words of the claim, not the embodiments or limitations described in the specification.

The Advisory Action further asserts that applicant's argument relies on features not recited in the rejected claims, in particular, that applicant has argued first that "obtaining association information from a contact data store where different possible bearer are provided arranged by contact," and second that "a user providing one list for one contact, and another list for another contact," and neither of these features are recited. Applicant urges the Office to reconsider. Rejected claim 1 recites:

a step (20) in which the first device (11) obtains from a contacts bearer data store (11d 11d') association information including a list of at least two possible bearers for providing [a] connection (14) [to a second device], wherein the contacts bearer data store (11d 11d') associates contacts with bearers so as to arrange the association information by contact.

Thus, the claim recites that there is a contacts bearer data store where bearers are associated with contacts, and the data store has the associations arranged by contact, and further, that there is more than one bearer for a second device, and thus for a contact. This is the first feature above. The recited data store inherently can include different lists of bearers for different contacts. This is the second feature.

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Serial No.: 10/612,398

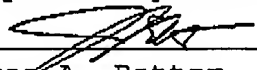
Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Date

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